

# United States Patent and Trademark Office

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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. 10/075,772 02/13/2002 Damon Kwok Wah Chan B-4492 619504-9 9473 04/07/2004 EXAMINER Richard P. Berg, Esq. MENDOZA, ROBERT J c/o LADAS & PARRY ART UNIT PAPER NUMBER

c/o LADAS & PARRY Suite 2100 5670 Wilshire Boulevard Los Angeles, CA 90036-5679

3713

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filed on  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-20 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 3.5.6 and 18 is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.		Application No.	Applicant(s)	
Robert J Mendoza  3/13	· Office Action Summary	10/075,772	WAH CHAN, DAMON KWOK	
- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edurations of time may be available under the processors 37 CPR 1.13(6). In so evert, however, may a reply be simply filed a label to the processor of the processor		Examiner	Art Unit	
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Exterioring of through the available would the provisions of 37 CFR 1.35(6). In no event, however, may a ripply be timbly filled  Ell free product for pagly specified above, the maximum statistory pariety willing the statistory minimum of thinty (30) days will be considered timely.  If No period for ripply specified above, the maximum statistory pariety will apply and will expire SSI, (6) MONTHS from the making date of this communication. Provided to ripply is specified above, the maximum statistory pariety will apply and will expire SSI, (6) MONTHS from the making date of this communication. Provided to ripply is specified above, the maximum statistory pariety will apply and will expire SSI, (6) MONTHS from the making date of this communication. Provided to ripply is specified above, the maximum statistory pariety will apply and will expire SSI, (6) MONTHS from the making date of this communication. Provided any specified above, the maximum statistory pariety districts and provided any specified above. Provided any specified above.  1) Responsive to communication(s) filled on				
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Application/Control Number: 10/075,772

Art Unit: 3713

## **DETAILED ACTION**

# Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7-17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucero (USPN 5,457,306).

Lucero, in col. 2:11-67, col. 3:35-67 and col. 4:1-67, discloses a system of providing entertainment over a computer network, comprising a server data processing system connected to a computer network, which server data processing system including a software configured and executable to allow at least a game to be played by a user via a data processing apparatus connected to said server data processing system via said computer network, wherein said software is configured and executable to calculate and store number of points scored by said user during playing of said games for which the user has not paid, to calculate and store number of scored points for which the user has paid, and to allow said user to select at least a prize and to use said of part of said paid scored- points in exchange of said prizes), characterized in that said software is configured and executable to allow said user to play said games free of charge, and said software is configured and executable to calculate and store number of unpaid points scored by said user in packets each corresponding to a pre-determined number of credits borrowed. Lucero, in col. 2:11-67, col. 3:35-67, col. 4:1-67 and col. 5:1-35, discloses said software is configured and executable to require a respective pre-determined number of credits for playing

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each or the game. Lucero, in col. 2:11-67, col. 3:35-67, col. 4:1-67 and col. 5:1-35, discloses said server data processing system is connected to at least one financial institution and said software is configured and executable to debit said user's account with said financial institution only when said points scored during playing of said games are used in exchange for said prizes. Lucero, in col. 3:35-67, col. 4:1-67, col. 5:1-35 and col. 6:11-67, discloses said software is configured and executable to store data relating to said user, and said computer network is Internet.

### Allowable Subject Matter

Claims 3, 5, 6 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Mendoza whose telephone number is (703) 305-7345. The examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached at (703) 308-1327. The USPTO official fax number is (703) 872-9306.

Khi

RM March 31, 2004

Teresa Walberg

Supervisory Patent Examiner

Mallurg

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